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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,600	01/21/2004	Ichiro Matsuyama	1232-5255	5048
27123	7590	11/30/2005	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			UHLENHAKE, JASON S	
			ART UNIT	PAPER NUMBER
			2853	

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/762,600

Applicant(s)

MATSUYAMA, ICHIRO

Examiner

Jason Uhlenhake

Art Unit

2853

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 2, 4, 6, 10, 11, 12, 13 and 16 are rejected under 35 U.S.C. 102(a) as being anticipated by Irizawa et al (U.S. Pub. 2003/0085956).

Irizawa et al discloses:

- ***regarding claim 1***, a printing apparatus capable of printing a image on a plurality types of printing media by selectively using printing materials of a plurality of types comprising: a discrimination portion (Figure 4, 260) for discriminating the type of said printing material used for printing of an image (Paragraphs 0017, 0043)
 - a storage portion for storing information on applicability between different types of said printing materials and different types of said printing media (Paragraph 0079)
 - a collation portion for collating the type of said printing material discriminated by said discrimination portion Figure 4, 260) with information stored in said storage portion (Paragraph 0079)
- ***regarding claim 2***, an input portion for allowing an input to be made of the type of said printing medium used for printing of an image (Abstract, Paragraph 0079)
- said collation portion collates a combination of the type of said printing medium input through said input portion and the type of said printing material

discriminated by said discrimination portion with information on applicability stored in said storage portion (Paragraph 0079)

- **regarding claim 4**, a selector portion for allowing the type of said printing medium used for printing of an image to be selected (Abstract, Paragraph 0079)
- collation portion collates a combination of the type of said printing medium selected with said selector portion and the type of said printing material discriminated by said discrimination portion with information on applicability stored in said storage portion (Paragraph 0079)
- **regarding claim 6**, a display portion for displaying the type of said printing medium that can be used for printing of an image (Paragraph 0079)
- **regarding claim 10**, printing material that can be used for printing of an image includes a pigment ink and a dye ink (Paragraph 0024)
- **regarding claim 11**, an information processing apparatus connected to a printing apparatus capable of printing a image on a plurality types of printing media by selectively using printing materials of a plurality of types comprising: an input portion for allowing an input to be made of the type of said printing medium used (Abstract, Paragraph 0079)
- a storage portion for storing information on applicability between different types of said printing materials and different types of said printing media (Paragraph 0079)
- a collation portion for collating the type of said printing material input from said input portion with information stored in said storage portion (Paragraph 0079)

- **regarding claim 12**, a selector portion for allowing the type of said printing medium used by said printing apparatus to be selected (Abstract, Paragraph 0079)
- collation portion collates a combination of the type of said printing medium selected with said selector portion and the type of said printing material input from said input portion with information on applicability stored in said storage portion (Paragraph 0079)
- **regarding claim 13**, a display portion for displaying the type of printing medium that can be used in printing apparatus (Abstract, Paragraph 0079)
- **regarding claim 16**, a printing system including a printing apparatus capable of printing a image on a plurality types of printing media by selectively using printing materials of a plurality of types comprising: a discrimination portion for discriminating the type of said printing material used (Abstract, Paragraph 0079)
 - a storage portion for storing information on applicability between different types of printing materials and different types of printing media (Paragraph 0079)
 - a collation portion for collating the type of printing material discriminated by a discrimination portion with information stored in storage portion (Paragraph 0079)

Claims 17, 18, 19, 20, 21, 22, 23, 24, and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Ohtsuka et al (U.S. Pat. 6,145,950).

Ohtsuka et al discloses:

- **regarding claim 17**, method for selecting a printing medium from among a plurality of types of printing media, which an image is printed, printing the image by selectively using printing materials of a plurality of types, comprising the steps of: discriminating the type of said printing material used for printing (Column 4, Lines 22 – 38)

- displaying, as reference information for selecting said printing medium, on which the image is printed, the type of said printing medium that is adaptable at least to said type of said printing material discriminated (Column 20, Lines 39 – 52; Column 21, Lines 7 - 13)

- **regarding claim 18**, a warning is issued when a type of said printing medium not adaptable to said type of said printing material discriminated is selected as said printing medium, on which the image is printed (Column 3, Lines 63 – 67)

- **regarding claim 19**, only printing medium adaptable to said type of printing material discriminated is displayed, while said printing medium not adaptable to said type of said printing material discriminated is not displayed (Column 20, Lines 39 – 52; Column 21, Lines 7 - 13)

- **regarding claim 20**, printing materials used for printing include a pigment ink and a dye ink (Column 12, Lines 60 – 65; Column 24, Lines 17 – 28)

- **regarding claim 21**, program for selecting a printing medium from among a plurality of types of printing media, on which an image is printed, when printing the image by selectively using printing materials of a plurality of types, comprising the

processes executed by a computer (Figure 1, 100) of: discriminating the type of said printing material used for printing (Column 4, Lines 22 – 38)

- displaying, as a reference information for selecting printing medium, on which the image is printed, the type of said printing medium that is adaptable at least to said type of printing material discriminated (Column 20, Lines 39 – 52; Column 21, Lines 7 - 13)

- *regarding claim 22*, the computer is made to execute a process of issuing a warning when a type of said printing medium not adaptable to said type of said printing material discriminated is selected as said printing medium (Column 3, Lines 63 – 67)

- *regarding claim 23*, computer is made to execute a process of displaying only the type of said printing medium adaptable to said type of said printing material discriminated, while not displaying the type of said printing medium not adaptable to said type of said printing material discriminated (Column 20, Lines 39 – 52; Column 21, Lines 7 - 13)

- *regarding claim 24*, a computer – readable storage medium storing the program (Column 15, Lines 45 – 57; Figure 12, 301)

- *regarding claim 25*, method for printing an image on printing media of a plurality of types by selectively using printing materials of a plurality of types, comprising steps of: discriminating the type of said printing material used for printing (Column 4, Lines 22 – 38)

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- displaying, as a reference information for selecting printing medium, on which the image is printed, the type of said printing medium that is adaptable at least to said type of printing material discriminated (Column 20, Lines 39 – 52; Column 21, Lines 7 - 13)
- selecting one printing medium from among the plurality of said printing media displayed by said displaying process (Column 21, Lines 22 – 37)
- effecting printing on said printing medium selected using said printing material discriminated (Column 4, Lines 61 – 67; Column 5, Lines 1 – 7)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Irizawa et al (U.S. Pub. 2003/0085956) in view of Kaneko (U.S. Pat. 6,520,614).

Irizawa et al discloses:

- ***regarding claim 3***, input portion allows the type of printing medium loaded in medium feeding portion to be input (Paragraphs 0017, 0079)
- ***regarding claim 5***, selector portion allows the type of said printing medium loaded in said medium feeding portion to be selected (Paragraphs 0017, 0079)

Irizawa et al does not disclose expressly:

- ***regarding claim 3 and 5***, a medium feeding portion for allowing said printing medium to be loaded

Kaneko discloses the following:

- ***regarding claim 3 and 5***, a medium feeding portion (Figure 1, 109) for allowing said printing medium to be loaded (Column 7, Lines 7 – 10)

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of a medium feeding portion for allowing said printing medium to be loaded as taught by Kaneko into the device of Irizawa et al. The motivation for doing so would have been to discriminate the type of printing medium with a high degree of accuracy and thereby various printing conditions can be selected and set up properly.

Claims 7, 8, 9, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Irizawa et al (U.S. Pub. 2003/0085956) in view of Ohtsuka et al (U.S. Pat. 6,145,950).

Irizawa et al discloses all of the claimed limitations except for the following:

- ***regarding claims 7 and 14***, collation portion causes the display portion to display the type of said printing medium having an applicability relation with the type of said printing material discriminated by said discrimination portion

- ***regarding claims 8 and 15***, collation portion causes the display portion to display only the type of said printing medium having an applicability relation with the

type of said printing material discriminated by said discrimination portion and not to display the type of said printing medium having no applicability relation with the type of said printing material discriminated by said discrimination portion

- **regarding claim 9**, collation portion issues a warning when there is no applicability relation between the type of said printing material discriminated by the discrimination portion and the type of said printing medium input through said input portion

Ohtsuka et al discloses the following:

- **regarding claims 7 and 14**, collation portion causes the display portion to display the type of said printing medium having an applicability relation with the type of said printing material discriminated by said discrimination portion (Column 20, Lines 39 – 52; Column 21, Lines 7 - 13). For the purpose of providing an ink-jet printer and image processing method which easily selects an appropriate combination of a type of output image, ink and a print medium.

- **regarding claims 8 and 15**, collation portion causes the display portion to display only the type of said printing medium having an applicability relation with the type of said printing material discriminated by said discrimination portion and not to display the type of said printing medium having no applicability relation with the type of said printing material discriminated by said discrimination portion (Column 20, Lines 39 – 52; Column 21, Lines 7 - 13). For the purpose of providing an ink-jet printer and image processing method which easily selects an appropriate combination of a type of output image, ink and a print medium.

- ***regarding claim 9***, collation portion issues a warning when there is no applicability relation between the type of said printing material discriminated by the discrimination portion and the type of said printing medium input through said input portion (Column 3, Lines 63 – 67). For the purpose of notifying the user the fact that the print mode selected is inappropriate to use.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of collation portion causes the display portion to display the type of said printing medium having an applicability relation with the type of said printing material discriminated by said discrimination portion; collation portion causes the display portion to display only the type of said printing medium having an applicability relation with the type of said printing material discriminated by said discrimination portion and not to display the type of said printing medium having no applicability relation with the type of said printing material discriminated by said discrimination portion; collation portion issues a warning when there is no applicability relation between the type of said printing material discriminated by the discrimination portion and the type of said printing medium input through said input portion as taught by Ohtsuka et al into the device of Irizawa et al. The motivation for doing so would have been to provide an ink-jet printer and an image processing method that reliably sets a print mode desired by a user.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Uhlenhake whose telephone number is (571) 272-5916. The examiner can normally be reached on Monday - Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JSU
November 3, 2005




K. HIGGINS
PRIMARY EXAMINER